IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL TRANSFER APPL. No. 35 of 2007

SMT.REKHA
V/S
SOHAN LAL

Mr. MADANLAL PUROHIT for Mr. BL CHOUDHARY, for the appellant / petitioner

Mr. SDN BHATT, for the respondent

Date of Order : 30.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties, and perused the application for transfer of the proceedings from Jodhpur to Rajsamand.

The ground given for seeking transfer is, that the petitioner is on the economical distress, being only lady, and apprehends danger to life. Then, it is pleaded, that in the petitioner's family there is no male member, except her father. Interalia on these grounds, transfer of the proceedings have been sought from Jodhpur to Rajsamand.

Reply has been filed on behalf of the respondent, contending interalia, that the wife left the house on her own, and pressed upon the husband to live at Kankroli only, and therefore, the petition for restitution of conjugal

rights has been filed. Then certain pleadings are taken regarding merits of the petition under Section 9, in which I need not go. Then, replying grounds it is pleaded, that apart from father and mother, the petitioner has two elder brothers, and therefore, it is wrong that she has no other male member in the family, and that the allegation of threatening is altogether wrong. It is pleaded that there is no apprehension of bodily injury. Then, it is also pleaded, that the petitioner is serving as a teacher in Panchayat Samiti Kankroli, and is posted at Mandvat Dist. Rajsamand, and is working for more than 10 years, and earning Rs. 10,000/- per month.

In my view, considering the allegations, and counter allegations, no case for transfer is made out. I may in this regard rely upon the judgment of Hon'ble the Supreme Court in Anindita Das V/S Srijit Das reported in 2006(9) S.C.C. 197.

The transfer petition thus having no force, is therefore, dismissed.

(N P GUPTA),J.

/Sushil/